

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 24-cv-23649-BLOOM/Elfenbein

BOOM FUNDED, LLC,

Plaintiff,

v.

AEVA, LLC, and BARBARA DEINET,

Defendant.

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**ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATIONS**

THIS CAUSE is before the Court upon Plaintiff Boom Funded, LLC's ("Boom Funded") Oral Motion for Civil Contempt Against Defendant Aeva, LLC ("Aeva"), ECF No. [78], Oral Motion for Civil Contempt Against Defendant Barbara Deinet ("Deinet"), ECF No. [79], Oral Motion to Strike and/or Motion for Default Against Defendant Aeva, LLC, ECF No. [80], and Oral Motion to Strike and/or Motion for Default Against Defendant Barbara Deinet. ECF No. [81]. Boom Funded initially made its Motion to Strike and/or Motion for Default Against Defendant Aeva at the Second Discovery Hearing on January 24, 2025. ECF No. [39]. Boom Funded initially made its Motion to Strike and/or Motion for Default Against Defendant Deinet at the Third Discovery Hearing on March 18, 2025. ECF No. [64]. Boom Funded renewed both Motions at the Evidentiary Hearing on May 6, 2025, when it also made Motions for Civil Contempt against Defendants Aeva and Deinet. ECF No. [77].

On October 18, 2024, the Court referred “all discovery matters” to the Honorable Marty Fulgueira Elfenbein. *See* ECF No. [12] at 4. On May 27, 2025, Judge Elfenbein issued an R&R¹ recommending that all four of Boom Funded’s Motions be granted. ECF No. [82]. The R&R advised that “the parties have fourteen (14) days from the date of being served with a copy of this Report and Recommendation within which to file written objections[.]” *Id.* at 41. To date, no party has filed any objections nor have they sought additional time to file objections. The Court has, nonetheless, conducted a *de novo* review of the R&R and the record and is otherwise fully advised in the premises. *See Jilliams v. McNeil*, 557 F.3d 1287, 1291 (11th Cir. 2009) (citing 28 U.S.C. § 636(b)(1)).

Upon review, the Court finds Judge Elfenbein’s R&R to be well reasoned and correct. The Court agrees with the analysis in the R&R and concludes that the Motions be granted for the reasons set forth therein.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. The R&R, **ECF No. [82]**, is **ADOPTED**;
2. Boom Funded’s Motion for Civil Contempt Against Defendant Aeva, **ECF No. [78]**, is **GRANTED** as follows:
 - a. Aeva is held in civil contempt for failure to pay the full \$2,557.50 monetary sanctions award entered on January 23, 2025, *see* ECF No. [38], and the full \$2,915.00 monetary sanctions award entered on February 19, 2025. *See* ECF No. [58].

¹ As Judge Elfenbein stated in her R&R, she typically resolves discovery matters with an Order, not a Report and Recommendation. However, “the discovery motions here are different than typical discovery motions because they may be case dispositive.” ECF No. [82] at 1-2 n.1. Because the motions are case dispositive, 28 U.S.C. § 636(b)(1)(B) applies, which requires the filing of an R&R. 28 U.S.C. § 636(b)(1)(C); S.D. Fla. L. Mag. R. 1(d).

- b. On or before **June 18, 2025**, Aeva is **ORDERED** to pay the remaining unpaid amount of the total \$5,472.50 monetary sanctions awards entered against it² and is **ASSESSED** a coercive fine of \$500.00 per day if it fails to fully and timely complete that payment.
3. Boom Funded's Motion for Civil Contempt Against Defendant Deinet, **ECF No. [79]**, is **GRANTED** as follows:
 - a. Deinet is **HELD** in civil contempt for failure to pay the full \$2,915.00 monetary sanctions award entered on February 19, 2025, *see* ECF No. [58].
 - b. On or before **June 18, 2025**, Deinet is **ORDERED** to pay the remaining unpaid amount of the \$2,915 monetary sanctions award entered against her and be **ASSESSED** a coercive fine of \$500 per day if she fails to fully and timely complete that payment.
4. Boom Funded's Motion to Strike and/or Motion for Default Against Defendant Aeva, **ECF No. [80]**, is **GRANTED**.
5. Boom Funded's Motion to Strike and/or Motion for Default Against Defendant Deinet, **ECF No. [81]**, is **GRANTED**.
6. Defendants' Answer, **ECF No. [8]**, is **STRICKEN** under Rule 37(b)(2)(A)(iii) and **DEFAULT JUDGMENT** is **ENTERED** against Defendants Aeva and Deinet under Rule 37(b)(2)(A)(vi).

² As of the date of the Evidentiary Hearing, Defendants had paid only \$400 in total to satisfy the two sanctions awards. ECF No. [82] at 40 n.15.

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7. Boom Funded is **ORDERED** to file a supplemental brief on or before **July 2, 2025**, regarding the amount of damages that should be awarded against Defendants pursuant to the default judgment.

DONE AND ORDERED in Chambers at Miami, Florida, on June 11, 2025.

A handwritten signature in black ink, appearing to be 'JB' or similar, written over a horizontal line.

BETH BLOOM
UNITED STATES DISTRICT JUDGE

cc: Counsel of Record